

Article 6. Zoning Standards: Overlay District Standards

50-6.1 Overlay District Requirements.

A. Applicability. Overlay Districts are applied to parcels in addition to the base or underlying Zoning District as mapped in the Zoning Map. Unless otherwise provided, an overlay zoning district shall include and be applicable to whole parcels and any parcels subsequently joined or combined with a parcel subject to any overlay zone regulations.

B. Intent. Overlay Districts provide an additional set of requirements for the development and use of parcels with the Overlay

C. Conflict. If a conflict arises between the Overlay District regulations and those of the Base Zoning District, the Overlay District regulations control.

50-6.2 Natural Features Protection Overlay Standards

A. Intent. The *intent of the* NFP Overlay District is *as follows*:

(1) intended to protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

(2) To guide site development, balancing growth and redevelopment with the protection of our existing natural features.

(3) To create site designs that are responsive to the existing natural features and minimize impacts to the extent possible.

B. Applicability. The NFP Overlay District standards apply as follows.

(1) The Natural Features Standards are divided by defined Natural Feature. When a parcel is developed, redeveloped, or the Natural Feature is impacted due to any site alterations, the standards for all applicable Natural Features are applied.

(2) The Site Development Standards shall be applied to all parcels in the NFP Overlay District.

(3) Overlay standards shall not eliminate the need to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) or any other State, Federal, or regional permitting agency, if required.

(4) Structures existing on the effective date of the ordinance creating the NFP Overlay District that do not meet the setbacks required in this Article are permitted and may be altered or expanded provided that they do not increase the amount of their non-conformance with the standards in this Article.

C. Natural Feature Standards: Wetlands. A Wetland is any area, regardless of parcel boundaries, that is characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, or otherwise defined in Part 303 of the NREPA.

(1) Wetland Determination. If any area on a parcel appears to be supporting wetland vegetation or is identified on the National Wetlands Inventory (NWI) map, one of the following is required.

(a) The area in question shall be treated as a Wetland and the standards of this Section apply.

(b) A Wetland Determination shall be completed by a qualified professional, such as a Professional Wetland Scientist to confirm whether the area in question is a Wetland.

(2) Altering a Wetland. Alteration to a Wetland is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Wetland must be submitted to the City.

(3) Wetland Setbacks. Setback distance is measured from the outer edge of wetland vegetation. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Wetland setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

[1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.

[2] New Stormwater BMPs.

(c) Permitted Activities. The follow activities are permitted in the setback.

[1] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local,

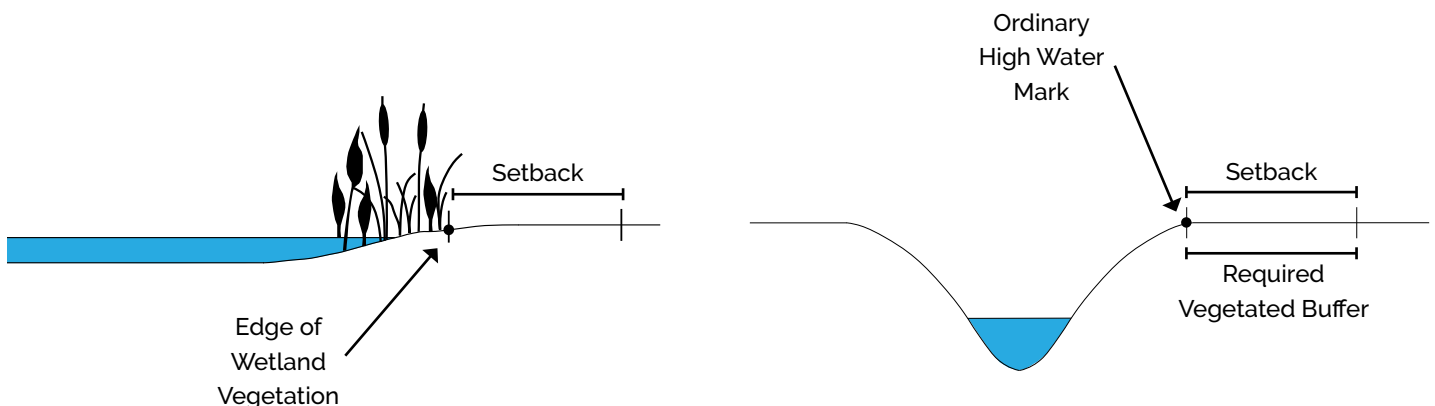


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

State, and/or Federal agencies.

[2] Restoration activities, such as planting with native vegetation with approval from all applicable local, State, and/or Federal agencies.

[3] Mitigation activities required under the NREPA.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

D. Natural Feature Standards: Water Resources. A Water Resource is any lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has defined banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or as otherwise defined in Part 301 of the NREPA.

(1) Altering a Water Resource. Alteration to a Water Resource is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Water Resource must be submitted to the City.

(2) Water Resource Setbacks. Setback distance is measured from the Ordinary High-Water Mark of all Water Resources, including when the Water Resource is located off the parcel but within the setback distance. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

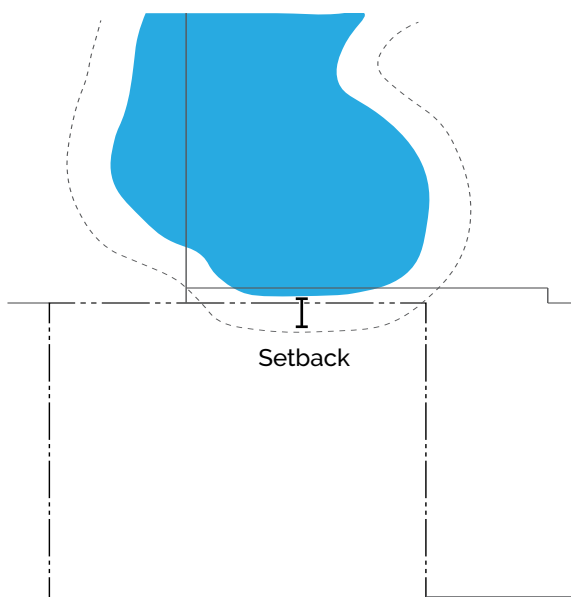


Table 6.2-1 Wetland and Water Resources Setbacks

Size of Parent Parcel	Minimum Required Setback
Greater than 1 acre	25 feet
1/2 acre - 1 acre	20 feet
Less than 1/2 acre	15 feet

Figure 6.2-2 Setbacks Across Parcel Boundaries

(a) The size of the Water Resource setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

[1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.

[2] New Stormwater BMPs.

(c) Permitted Activities. The following activities are permitted in the setback.

[1] Up to twenty (20) percent of the setback area may be developed with semi-pervious materials, such as paths or mowed Turf Grass.

[2] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Water Resource setback with approval from all applicable local, State, and/or Federal agencies.

[3] Disturbance to the bank or shoreline, as expressly allowed under State law, is permitted when a restoration plan is prepared by a qualified professional, such as a Michigan Certified Natural Shoreline Professional or Professional Engineer.

[4] Operation and maintenance of existing flood control facilities or Stormwater BMPs.

(3) Required Planting. The setback must contain Natural Vegetation, including a combination of trees, shrubs, grasses, and Forbs to form a Vegetated Buffer in a Riparian area. The Vegetated Buffer must meet one (1) of the following.

(a) Where the bank or shoreline contains Natural Vegetation.

[1] Existing vegetation must remain undisturbed during and after construction activities.

[2] Supplemental planting or seeding is allowed when Native Species are used. Mowed turf grass does not qualify as Natural Vegetation.

[3] Removal of invasive species and/or dead or diseased woody species are allowed, if they are replaced according to the parameters in 50-6.2D(3)(b)[3].

(b) Where the bank or shoreline is not covered in Natural Vegetation.

[1] A Vegetated Buffer must be planted and maintained in the setback.

[2] Soil preparation for planting is allowed with proper soil erosion controls.

[3] A diverse mix of appropriate native species is required, as follows.

[a] At least twelve (12) different species must be planted.

[b] At least two (2) species from each of the following plant types must be planted: shrubs, Graminoids, and Forbs. Refer to Table 6.2-2 Example Plants for Vegetated Buffers.

[c] Trees may be planted if appropriate to the site. Refer to Table 6.2-5 Replacement Tree List.

[4] Any combination of native seed mix, plant plugs, bare root trees or shrubs, and/or container plants, trees, or shrubs are permitted.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
Gray Dogwood	<i>Cornus foemina, syn. C racemosa</i>	Shrub
Steeplebush/Meadowsweet	<i>Spiraea alba</i>	Shrub
Hardback/Steeplebush	<i>Spiraea tomentosa</i>	Shrub
Lake Sedge	<i>Carex lacustris</i>	Graminoid
Tussock Sedge	<i>Carex stricta</i>	Graminoid
Bottlebrush Sedge	<i>Carex hystericina</i>	Graminoid
Bebb's Sedge	<i>Carex bebbii</i>	Graminoid
Common Fox Sedge	<i>Carex vulpinoidea</i>	Graminoid
Prairie Cordgrass	<i>Spartina pectinata</i>	Graminoid
Dark-Green Bulrush	<i>Scirpus atrovirens</i>	Graminoid
Cottongrass Bulrush/Wool Grass	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Wood Reedgrass	<i>Cinna arundineacea</i>	Graminoid
Fowl Mannagrass	<i>Clyceria striata</i>	Graminoid
New England American Aster	<i>Symphytotrichum novae-angliae</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Tall Sunflower	<i>Helianthus giganteus</i>	Forb
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
Canada Anemone	<i>Anemone canadensis</i>	Forb
Common Boneset	<i>Eupatorium perfoliatum</i>	Forb
Swamp Milkweed	<i>Asclepias incarnata</i>	Forb
Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	Forb
Pin Oak	<i>Quercus palustris</i>	Tree
Swamp White Oak	<i>Quercus bicolor</i>	Tree
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Tree
Tamarack, American Larch	<i>Larix laricina</i>	Tree

(c) Exceptions. The Vegetated Buffer is not required when a structure or parcel is being redeveloped unless the project increases the site's impervious coverage on the parcel by more than ten (10) percent or if the project is being conducted within twenty (20) feet of the Water Resource setback.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

(5) Operation and Maintenance Agreement. The Vegetated Buffer must be included in the Stormwater Operation and Maintenance Agreement, if an Agreement is required for the project.

E. Natural Feature Standards: Floodplains. Reserved.

F. Natural Feature Standards: Trees. Trees that provide special value to the community or ecosystem are protected through the NFP Overlay District.

(1) Tree Criteria. When Trees meet any of the following criteria and are not counted as part of a Woodland, the Tree is considered a Protected Tree and the standards of this Overlay apply.

(a) Trees on the Protected Tree List in Table 6.2-4.

(b) Any Tree larger than twenty-four (24) inches DBH.

(2) Tree Protection. Protected Trees and their CRZ shall be protected during site development and construction.

(a) Disturbance. No disturbance is allowed within a CRZ, except as follows.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of other Protected Trees or Woodlands with a plan by a qualified professional, such as an International Society of Arboriculture (ISA) Certified Arborist.

(b) Protection During Construction. The CRZ of Protected Trees shall be protected following the standards of 50-6.2J(8) Protection During Construction.

(3) Protected Tree Removal. Protected Trees may be removed in the following circumstances.

(a) Protected Tree is located such that it impedes access to the site, prevents utility connections, or prevents the use of a property for its zoned purpose.

(b) There is clear evidence a Protected Tree is diseased, dying, or has sustained substantial damage prior to site work.

(c) Location of the Protected Tree presents a threat to the structural integrity of an existing structure or infrastructure.

(4) Replacement. Any Protected Tree which is removed from a parcel as part of a development project that requires site plan review must be replaced at a ratio of 1:1, where for every Protected Tree removed a Replacement Tree

must be planted as follows:

- (a) Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context and site condition should be taken into consideration when selecting a Replacement Tree.
- (b) Replacement Trees shall be located as follows.
 - [1] Replacement Trees shall be located on the site from which they are removed.
 - [2] The NFP Review Board can approve alternative locations, if on-site replacement is not possible provided that the alternative is within the City of Kalamazoo.
 - [3] Replacement Trees cannot be located within a parking lot.

G. Natural Feature Standards: Woodlands. Woodlands provide important ecosystem services and habitat corridors and are protected by the NFP Overlay District.

(1) Woodland Criteria. When trees located on a parcel meet the following criteria, the area shall be considered a Woodland and the standards of this Overlay apply.

- (a) Minimum Area. Trees cover a minimum area of 21,780 square feet or a half (1/2) acre, regardless of parcel

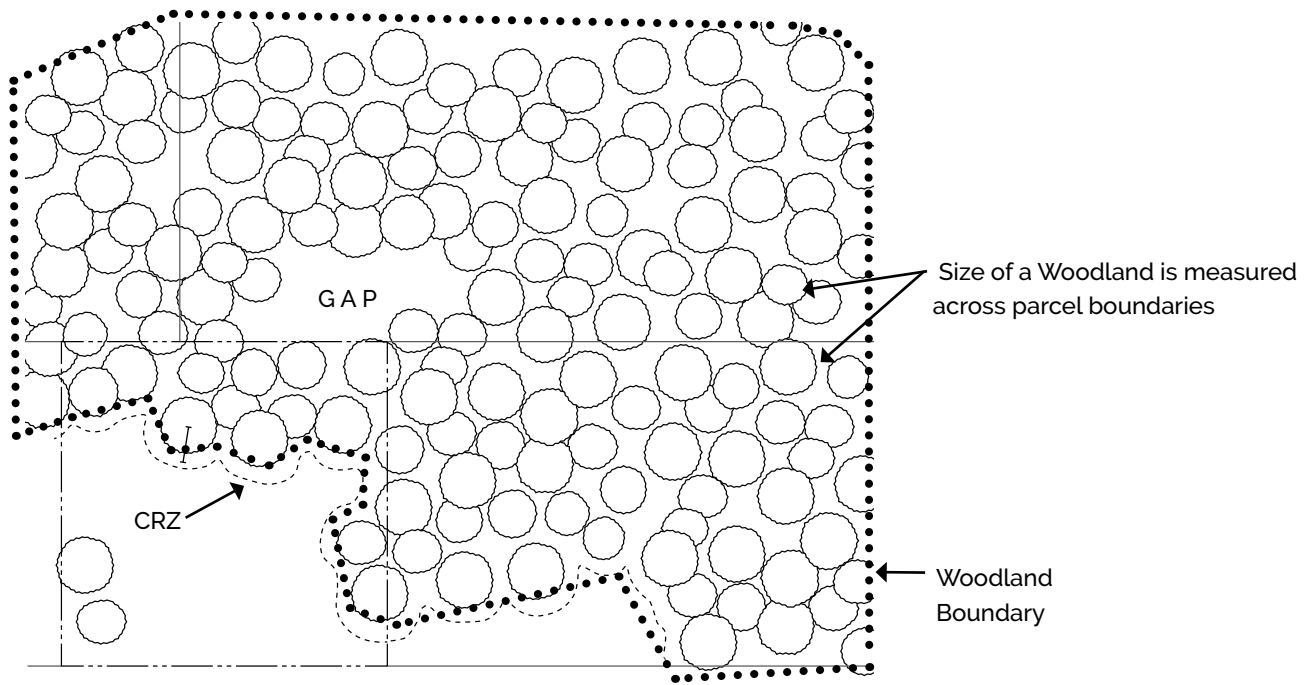


Figure 6.2-3 Defining and Delineating a Woodland

boundaries. Refer to Figure 6.2-3 Defining and Delineating a Woodland.

(b) Tree Count. The area contains the equivalent of at least forty (40) trees per acre of at least two (2) inches DBH and reach or at maturity will reach at least fifty (50) feet in height.

(c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed turf grass.

(2) Woodland Delineation and Assessment. Refer to Figure 6.2-3 Defining and Delineating a Woodland. Existing Woodland coverage on the parcel shall be delineated and assessed as follows.

(a) Gaps. Areas without trees or that have sparse trees are common within a Woodland and should be included in area and density measurements except when the gap is larger than 8,000 square feet.

(b) Woodland Assessment Tools. A Woodland must be assessed using a Basal Area, Woodland Ecosystem Assessment, or tree survey conducted by a qualified professional, such as an ISA Certified Arborist.

(3) Woodland Protection. For areas meeting the definition of a Woodland, a portion of the Woodland on the parcel must be preserved as follows.

(a) Woodland Preservation Minimums. Woodlands shall be preserved following the coverage requirements in Table 6.2-3 Woodland Preservation.

(b) Criteria for Woodland Preservation. In determining which areas of a Woodland are to be preserved, the following priorities shall be applied.

[1] Woodlands contiguous to Woodlands on adjacent parcels or areas serving as Habitat Corridors.

[2] Woodlands on or adjacent to another Natural Feature(s), floodplain, or a publicly accessible open space.

[3] Woodlands in the best condition as determined by a qualified professional, such as an ISA Certified Arborist, and based upon the Basal Area score or another Woodland Ecosystem Assessment.

[4] Woodlands with older growth, higher DBH trees, or trees noted in 6.2-4 Protected Tree List and 6.2-5 Replacement Trees List.

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by

Table 6.2-3 Woodland Preservation

Woodland Coverage of Parent Parcel	Minimum Required Woodland Coverage to be Preserved
75% to 100%	25%
50% up to 75%	50%
25% up to 50%	75%
Less than 25%	90%

Table 6.2-4 Protected Tree List

Common Name	Scientific Name	DBH (inches)*
Ash	<i>Fraxinus spp. (not cultivars)</i>	18"
Basswood, Linden	<i>Tilia americana</i>	18"
Beech	<i>Fagus spp.</i>	18"
Buckeye (Horsechestnut)	<i>Aesculus spp.</i>	18"
Cherry, Black	<i>Prunus serotina</i>	18"
Elm, American	<i>Ulmus americana</i>	18"
Elm, Slippery	<i>Ulmus rubra</i>	18"
Elm, Winged	<i>Ulmus alata</i>	18"
Fir	<i>Abies spp.</i>	18"
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple, Red	<i>Acer rubrum</i>	18"
Maple, Silver	<i>Acer saccharinum</i>	18"
Maple, Sugar	<i>Acer saccharum</i>	18"
Pine, Red	<i>Pinus resinosa</i>	18"
Pine, White	<i>Pinus strobus</i>	18"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American	<i>Plantanus occidentalis</i>	18"
Tuliptree	<i>Liriodendron tuliperifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	18"
Honey Locust	<i>Gleditsia triacanthos</i>	16"
Oak, Black	<i>Quercus velutina</i>	16"
Oak, Bur	<i>Quercus macrocarpa</i>	16"
Oak, Northern Red	<i>Quercus rubra</i>	16"
Oak, White	<i>Quercus alba</i>	16"
Arbor-vitae, Eastern White Cedar	<i>Thuja occidentalis</i>	12"
Birch	<i>Betula spp.</i>	12"
Birch, River	<i>Betula nigra</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Hickory, Bitternut	<i>Carya cordiformis</i>	12"
Hickory, Pignut	<i>Carya glabra</i>	12"
Hickory, Shagbark	<i>Carya ovata</i>	12"
Hickory, Shellbark	<i>Carya laciniosa</i>	12"

Common Name	Scientific Name	DBH (inches)*
Oak, Chinkapin	<i>Quercus muehlenbergii</i>	12"
Oak, Northern Pin	<i>Quercus ellipsoidalis</i>	12"
Oak, Swamp White	<i>Quercus bicolor</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus spp.</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweet Gum	<i>Liquidambar styraciflua</i>	12"
Willow	<i>Salix spp.</i>	12"
American Chestnut	<i>Castanea dentata</i>	8"
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	8"
Butternut	<i>Juglans cinerea</i>	8"
Cedar, Eastern Red	<i>Juniperus virginiana</i>	8"
Hackberry	<i>Celtis occidentalis</i>	8"
Larch/Tamarack	<i>Larix laricina</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
American Hophornbeam	<i>Ostrya virginiana</i>	4"
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	4"
Dogwood, Flowering	<i>Cornus florida (native only)</i>	4"
Pagoda Dogwood	<i>Cornus alternifolia</i>	4"
Dwarf Hackberry	<i>Celtis tenuifolia</i>	4"
Eastern Redbud	<i>Cercis canadensis</i>	4"
Pawpaw	<i>Asimina triloba</i>	4"
Serviceberry	<i>Amelanchier spp.</i>	4"

*Tree species with DBH greater than or equal to the values in this column of the table require replacement with any species on the Replacement Tree List if removed for construction/development.

Table 6.2-5 Replacement Tree List

Common Name	Scientific Name	Condition Code
Basswood, Linden	<i>Tilia americana</i>	Cs
American Chestnut	<i>Castanea dentata (hybrid)</i>	Cr, F, Cul
American Hophornbeam	<i>Ostrya virginiana</i>	P, Cr
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	Cr, P
Arborvitae, Eastern White Cedar	<i>Thuja occidentalis</i>	Cv, Cs
Birch	<i>Betula spp.</i>	Cv
Birch, River	<i>Betula nigra</i>	P, Ri
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Cr, Ri
Cedar, Eastern Red	<i>Juniperus virginiana</i>	Cr, P
Cherry, Wild Black	<i>Prunus serotina</i>	
Cherry, Flowering	<i>Prunus spp.</i>	
Dogwood, Flowering	<i>Cornus florida (native only)</i>	Cr
Eastern Redbud	<i>Cercis canadensis</i>	Cr, P
Elm, American	<i>Ulmus americana (resistant variety)</i>	Cul, Cs
Elm, Slippery	<i>Ulmus rubra</i>	
Hackberry	<i>Celtis occidentalis</i>	Cr
Hickory, Bitternut	<i>Carya cordiformis</i>	Cr, F, Ri, Cs
Hickory, Pignut	<i>Carya glabra</i>	Cr, F, Cs
Hickory, Shagbark	<i>Carya ovata</i>	Cr, F, Cs
Hickory, Shellbark	<i>Carya laciniosa</i>	F, Ri, Sc
Honey Locust	<i>Gleditsia triacanthos</i>	Cr
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Cr
Larch/Tamarack	<i>Larix laricina</i>	Ri, Cs
Maple, Red	<i>Acer rubrum</i>	Cv, Cs
Maple, Sugar	<i>Acer saccharum</i>	Cv, Cul
Oak, Black	<i>Quercus velutina</i>	Cr, Cs
Oak, Bur	<i>Quercus macrocarpa</i>	Cr, Cul, Cs
Oak, Chinquapin	<i>Quercus muehlenbergii</i>	Cr, Cs
Oak, Pin	<i>Quercus palustris</i>	Cr, Ri, Cs
Oak, Northern Red	<i>Quercus rubra</i>	Cr, Sc
Oak, Swamp White	<i>Quercus bicolor</i>	Cr, Ri, Cs
Oak, White	<i>Quercus alba</i>	Cr, Cul, Cs
Pawpaw	<i>Asimina triloba</i>	Cr, F
Persimmon	<i>Diospyros virginiana</i>	Cr, F

Common Name	Scientific Name	Condition Code
Pine, Red	<i>Pinus resinosa</i>	
Pine, White	<i>Pinus strobus</i>	
Sassafras	<i>Sassafras albidum</i>	
Serviceberry	<i>Amelanchier spp.</i>	P, F
Sycamore, American	<i>Plantanus occidentalis</i>	Cr
Tuliptree	<i>Liriodendron tuliperifera</i>	Cr, Cs
Willow, Black	<i>Salix nigra</i>	Ri
Pecan Tree	<i>Carya illinoensis</i>	
Sweetgum Tree	<i>Liquidambar styraciflua</i>	
Oak Post	<i>Quercus stellata</i>	

Condition Codes:

Cr = Climate Resilient

Cs = Carbon sequestration

Cul = Culturally significant

F = Food source

P = Suitable for parking lots and roadways

Ri = Suitable for riparian/wet plantings

Cv = Climate vulnerable

the CRZ of trees along its edges, except for the following activities.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of the Woodland vegetation with a plan by a qualified professional, such as an ISA Certified Arborist.

(b) Stormwater. No new Stormwater BMPs within the CRZ.

(5) Permitted Activities. Operation and maintenance of public utilities is permitted within the CRZ. Directional boring shall be used whenever possible.

(6) Construction Protection. Woodlands trees and their CRZ shall be protected during site construction following the standards of 50-6.2K(8) Protection During Construction.

H. Natural Feature Standards: Slopes. Slopes associated with Water Resources and other Natural Features are protected by the NFP Overlay District.

(1) Slope Criteria. Slopes protected by the NFP Overlay District are those with a grade of twenty (20) percent or greater and meet at least one (1) of the following.

(a) Slope Face contains a Woodland, refer to 50-6.2G.

(b) Slope Face contains Natural Heritage Area, refer to 50-6.2I.

(c) Any portion of the Slope Face is within ~~five hundred~~ **five hundred** (500) feet of a Wetland or Water Resource, refer to 50-6.2C and 50-6.2D.

(d) Any portion of the Slope Face extends onto adjacent parcels.

(2) Slope Determination. If any area on a parcel appears to meet the Slope Criteria, one (1) of the following is required.

(a) A Slope Analysis by a professional is not completed and the area is assumed to meet the slope criteria; the

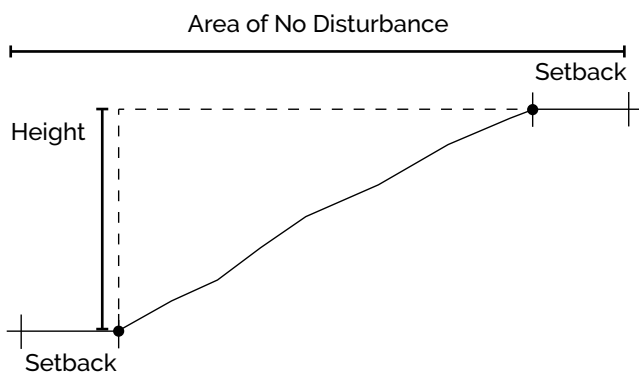


Figure 6.2-4 Protected Slope Setbacks

standards of this Overlay are applied.

(b) A Slope Analysis shall be completed by a licensed surveyor, licensed professional engineer, or a geologist certified by the American Institute of Professional Geoscientists (AIPG) following all acceptable practices to determine whether any part of the Slope Face meets the Slope Criteria.

(3) Slope Protection. Slopes shall be maintained and protected as follows.

(a) Setbacks. A setback is required from the Top of Slope and the Toe of Slope equal to half (1/2) the height of the Slope, regardless of whether or not the entire Slope is contained within the parcel, or ten (10) feet, whichever is greater. Refer to Figure 6.2-4 Slope Setbacks.

(b) Permitted Activities in the Setbacks. Setback areas from the Top or Toe of Slope shall remain undisturbed except as follows.

[1] Any work necessary to maintain the stability of the Slope.

[2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.

[3] Fences are permitted when they meet all other applicable zoning standards.

[4] Normal maintenance that does not disturb existing terrain.

[5] Maintenance of existing impervious surfaces and structures.

[6] In addition to the requirements in 50-6.2B(4), existing structures located in the setback may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion does not disturb the Slope Face.

[b] Ground disturbance is the minimum needed for the expansion.

(c) Permitted Activities in the Slope Face. The Slope Face shall remain undisturbed except as follows.

[1] Any work necessary to maintain the stability of the Slope Face, including the Top and Toe of Slope.

[2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.

[3] Normal maintenance that does not disturb existing terrain.

[4] Maintenance of existing impervious surfaces and structures.

[5] In addition to the requirements in 50-6.2B(4), existing structures where a portion of the structure is in the Slope Face may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion can only occur on Slopes with a grade of thirty (30) percent or less.

[b] Expansion in the Slope Face is limited to no more than fifteen (15) percent of the existing building footprint.

[c] Ground disturbance is the minimum needed for expansion.

(d) Prohibited Activities. The following activities are prohibited.

[1] Surface water shall not be directed toward any Slope regulated by this Overlay.

[2] Stormwater BMPs are not permitted within the Slope Face or the setbacks, including storm sewer outlets.

[3] No new underground utilities may be placed within the Slope Face or setbacks.

(e) Construction Protection. The Slope Face and setbacks shall be protected during site development and construction following the standards of 50-6.2K(8) Protection During Construction.

I. Natural Feature Standards: Natural Heritage Areas. Rare species and remnants of historically and culturally significant ecosystems are protected by the NFP Overlay District.

(1) Natural Heritage Area Criteria. A Natural Heritage Area is defined by the presence of either of the following.

(a) Any species considered to be rare, threatened, or endangered by the State of Michigan, Federal government, or listed on the Michigan Natural Features Inventory (MNFI) Database.

(b) Any remnant of a Natural Community listed on the MNFI Michigan's Natural Communities List.

(2) Determination of Natural Heritage Area. The MNFI Natural Heritage Database shall be used to determine if any rare species have been located within a two (2) mile radius of the parcel.

(3) On-Site Survey. When a database search indicates a rare species has been identified within two (2) miles of the parcel, an on-site survey shall be conducted. The survey must be conducted by a consultant with a Michigan Endangered Species Permit or another qualified professional approved by the City Planner.

(4) Natural Heritage Area Protection. If the on-site survey confirms that a Natural Heritage Area exists on the parcel, all State and Federal protections and/or mitigation activities must be followed. A copy of any required permit obtained from a State or Federal agency must be submitted to the City.

J. Site Development Standards. The following standards apply to all properties within the NFP Overlay District.

(1) Building Setbacks. When a conflict exists between meeting the 50-6.2C-J NFP Standards and the required placement of structures, the setbacks or built-to zones or lines may be adjusted to eliminate or reduce the conflict provided that the adjustment is the minimum required to meet the NFP standards.

~~(2) Use. In addition to the uses permitted in the Base Zoning District, the following apply:-~~

~~(a) Appendix A 3.5 Wellhead Protection Overlay 10-year use restrictions.-~~

~~(b) Outdoor storage of loose materials is prohibited within five hundred (500) feet of a Water Resource or Wetland.~~

~~(c) Appendix A 3.5 Wellhead Protection Overlay 1-year use restrictions apply within five hundred (500) feet of a Water Resource or Wetland.~~

(2) Use. In addition to the uses permitted in the Base Zoning District, the following apply.

(a) Ten-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within three-hundred (300) feet of a wetland or water resource.

(b) One-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within five-hundred (500) feet of a wetland or water resource.

(3) Lot Coverage. Areas designated to meet the *lot coverage* pervious-surface requirement of a the Base Zoning District shall *located as follows*: meet the following requirements:

(a) Natural Features. Areas left undisturbed per the standards in 50-6.2C-J can be applied to a parcel's pervious lot coverage requirement, except that Stormwater BMPs shall count at a ratio of two (2) square feet of BMP to one (1) square foot of pervious coverage ratio or at a rate of fifty (50) percent.

(b) Undisturbed Areas. All areas designated to meet a parcel's overall pervious lot coverage requirement must remain undisturbed except in the following circumstances:

[1] Restoration or maintenance of the pervious area when guided by a plan developed by a qualified professional;

[2] Planting or restoration of plants or trees per 50-6.2 Natural Features Standards;

[3] Installation of stormwater BMPs from the Michigan Low Impact Development (LID) Manual BMP Matrix Table in the Runoff Volumes and Infiltration categories;

(c) Location. Areas designated to meet a parcel's overall pervious lot coverage requirement shall be located as follows:

(a) Contiguous. *Areas required to be left as pervious* Pervious areas shall be located in one (1) contiguous area or clustered into areas that each equal at least twenty (20) percent of the total pervious area.

(b) Adjacent to Natural Features. Pervious areas shall be located adjacent to ~~defined~~*existing* Natural Features *on the site(s)*.

(d) Construction. Pervious areas shall be protected during construction and site development through barrier fencing as described in 50-6.2K(8).

(e) Semi-Pervious Allowance. A semi-pervious allowance of up to fifteen (15) percent may be utilized to meet the lot coverage requirement.

(4) Landscape and Screening. Additional landscape and screening activities apply within the NFP Overlay District.

(a) Relief. A reduction in a parcel's required building perimeter, parking lot, loading zone, perimeter screening, or interior landscaping requirements (refer to *50-8 Landscape and Screening* Appendix A. 6.2 Landscaping and Open Space) may be permitted to eliminate conflicts with meeting the requirements of 50.6-2 Natural Features Standards.

[1] Relief shall be the minimum required to meet the NFP standards.

Table 6.2-6 Prohibited Planting List

Common Name	Scientific Name
Trees	
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Silktree	<i>Albizia julibrissin</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Callery Pear	<i>Pyrus calleryana</i>
Princess Tree	<i>Paulownia tomentosa</i>
Black Alder	<i>Alnus glutinosa</i>
Shrubs	
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Glossy Buckthorn	<i>Frangula alnus</i>
Common or European Privet	<i>Ligustrum vulgare</i>
Showy Fly Honeysuckle (or hybrid)	<i>Lonicera x.bella</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Multiflora Rose	<i>Rosa multiflora</i>
Japanese Meadowsweet	<i>Spiraea japonica</i>
European Cranberrybush	<i>Viburnum opulus</i>
Vines	
Asian Bittersweet	<i>Celastrus orbiculatus</i>
Black Swallow-wort	<i>Cynanchum louiseae</i>
European Swallow-wort	<i>Cynanchum rossicum</i>
English Ivy	<i>Hedera helix</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Mile-A-Minute Weed	<i>Persicaria perfoliate</i>
Kudzu	<i>Pueraria montana</i>
Grasses	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>
Japanese Stiltgrass	<i>Microstegium vimineum</i>

Miscanthus	<i>Miscanthus, spp.</i>
Wintercreeper	<i>Euonymus fortunei</i>
European or Common Spindle	<i>Euonymus europeus</i>
Burning Bush	<i>Euonymus alata</i>
Common Name	Scientific Name
Herbs	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knapweed	<i>Centaurea biebersteinii</i> or <i>C. maculata</i>
Canada Thistle	<i>Cirsium arvense</i>
Bull Thistle	<i>Cirsium vulgare</i>
Leafy Spurge	<i>Euphorbia esula</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
Crown Vetch	<i>Securigera varia</i>
Baby's Breath	<i>Gypsophila paniculate</i>
Goutweed	<i>Aegopodium podagraria</i>
Lesser Celandine	<i>Ficaria verna</i>
Moneyplant	<i>Lunaria annua</i>
Sweet Woodruff	<i>Galium odoratum</i>
Sweet Clovers	<i>Melilotus, spp.</i>

[2] Landscaping serving as a buffer between residential and non-residential uses and between a vehicular parking lot and a street shall not be reduced.

(b) Plant Selection. Native species must be used for all site landscaping required under Appendix A, Section 6.2, Landscaping and Open Space, or required elsewhere in Chapter 50. When additional landscaping is proposed on the site plan beyond the minimum requirements of Chapter 50, the NFP Review Board may allow the use of non-native, non-invasive species which have been determined not to cause adverse environmental impacts. Plants in Table 6.2-6 Prohibited Planting List or species recognized by the Midwest Invasive Species Network as non-native invasive shall not be planted on any portion of a parcel.

(c) Existing Vegetation. When a parcel's existing vegetation is being preserved and utilized to meet landscaping requirements in Appendix A 6.2 Landscaping and Open Space the following applies.

[1] Existing nonnative plants must be contained within the planting areas.

[2] Existing invasive plants must be removed. Refer to [Midwest Invasive Species Network Meeting the Challenge of Invasive Plants by MNFI](#) or Table 6.2-6 Prohibited Planting List.

(5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a Preserve.

(6) Stormwater Management Criteria. Refer to the City of Kalamazoo Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones for additional information and definitions.

(a) Channel Protection Performance Standard. Parcels half (1/2) acre or greater shall maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the ten (10) year, twenty-four (24) hour event.

(b) Water Quality Treatment Runoff Volume Standard. The first one (1) inch of runoff generated from the entire parcel must be treated using one of the following.

[1] Multiple Methods. Two or more BMPs shall be utilized with at least twenty-five (25) percent of the required runoff volume treated by BMPs from the Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table from "Runoff Volume/Infiltration" and "Runoff Volume/Non-infiltration" categories.

[2] Underground Methods. All required runoff shall be treated by underground detention or infiltration BMPs.

[3] Non-Infiltration Methods. Sites requiring non-infiltration BMPs, such as those with contamination or within ~~A3.5~~ [Chapter 39 Wellhead Protection Overlay](#), use BMPs from Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table, "Runoff Quality/Non-infiltration" category.

(c) Maintenance Agreement. A Stormwater Operation and Maintenance Agreement is required by and between the City of Kalamazoo and the owner of the property when Stormwater BMPs are used.

(d) Exceptions. Development or redevelopment of a ~~single family~~ *detached unit* home or duplex is exempt from these Stormwater standards.

(7) Fill Materials. Use of fill material containing regulated substances above any State and/or Federal cleanup criteria for soils is prohibited. Fill material shall be sourced as follows.

- (a) Fill material shall not be sourced from industrial or commercial sites where hazardous materials were used, handled, or stored or from unpaved parking areas.
- (b) Fill material shall not be sourced from sites that contain species that are legally designated by the State of Michigan as prohibited or restricted.

(8) Protection During Construction. A temporary construction fence is required to protect Natural Features and not-to-be disturbed areas, such as those designated to meet pervious lot coverage requirements, during the duration of any site work or construction,

(a) Fence Construction. Construction fences shall be erected as follows.

- 1] Fencing must be built using posts six (6) feet in height, spaced no more than eight (8) feet apart on center and buried at least two (2) feet below grade.
- 2] Fence must have two (2) cross beams placed approximately at two (2) and six (6) feet above grade.
- 3] Plastic mesh barrier fence shall be affixed to the front of the posts.

(b) Fence Placement. Refer to Figure 6.2-5 Placement of Construction Fencing. Fencing shall be located no closer than the required setback or edge of a not-to-be disturbed area.

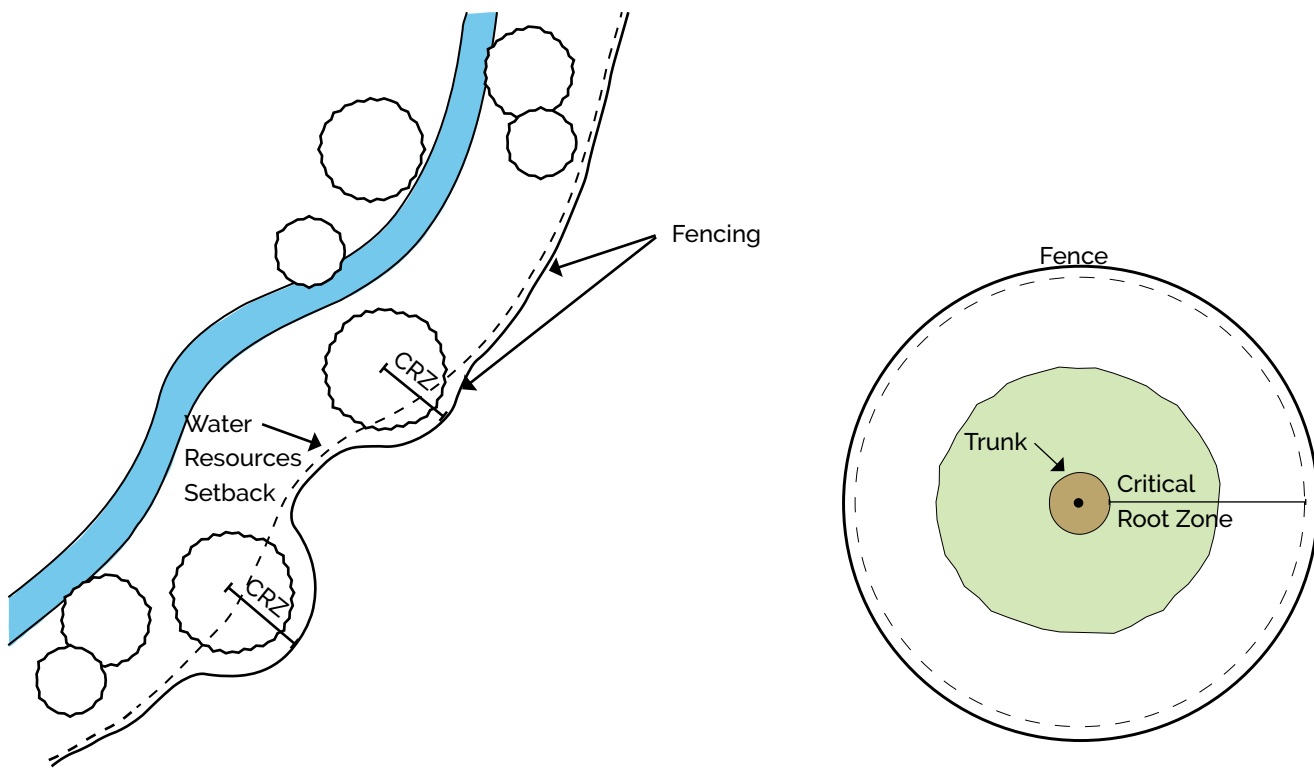


Figure 6.2-5 Placement of Construction Fencing

[1] Where a tree is located in the setback or not-to-be disturbed area, the fencing shall be placed to protect the CRZ. Refer to Figure 6.2-5 Placement of Construction Fencing.

[2] Trees and Woodlands protected through 50-6.2F and 50-6.2G shall have construction fencing placed outside of the CRZ.

(c) Prohibited Activities. The following activities are prohibited within the construction fencing.

[1] Spreading of soil spoils.

[2] Heavy equipment and vehicle traffic.

[3] Storage of construction materials and debris.

[4] Site grading changes that increase or decrease the moisture conditions within a CRZ on a temporary or permanent basis.

K. NFP Review Bodies and Processes. Projects located in the NFP Overlay District require special review.

(1) Project Review. Review of projects in the NFP Overlay District shall occur as follows:

(a) Where Site Plan is not required. Administrative review of the site development or construction permit request shall be completed by the City Planner or designee.

(b) Where Site Plan is required. The NFP Review Board shall review the NFP Plan in conjunction with the Site Plan Review process. NFP Review Board approval is required for a project to achieve Site Plan approval.

(c) Where Site Plan is required and a zoning review and/or variance from the Planning Commission and/or Zoning Board of Appeals is requested or the site is located adjacent to land publicly used for open space or recreation, the following shall occur prior to review by the NFP Review Board.

[1] Owner or developer shall send notice by first class postage paid of a project in the NFP Overlay District to all property owners and occupants within three hundred (300) feet of the parcel and the neighborhood association or contact.

[2] Notice shall at a minimum include information on the proposed project, a location (physical or digital) where plans can be reviewed, instructions on how to provide comments, and a timeline for project review and construction.

[3] Notice shall be postmarked a minimum of fourteen (14) days before application is made for review by the NFP Review Board.

(2) NFP Review Board. A board will be formed to review projects in the NFP Overlay District.

(a) Intent. The NFP Review Board will review projects to ensure the standards of the NFP Overlay District are met and assist the City with regular review of the NFP standards, map, outreach, and City-wide education.

(b) NFP Review Board Members.

- [1] Board will be comprised of seven (7) members.
 - [2] Members will be those who live or work in the greater Kalamazoo community.
 - [3] At a minimum, the Board must have at least one (1) member with education or experience in each of the following features in this Chapter: 1) water resources/wetlands, 2) plants/trees, 3) slopes, and 4) site development/building construction.
 - [4] Board members are to be appointed by the Mayor and approved by the City Commission.
 - [5] A City staff will be appointed by the City Planner to be the Board's liaison.
- (c) The NFP Review Board is subject to the Open Meetings Act, MCL 15.261 et seq. and shall establish its own by-laws and meeting procedures.
- (3) Relief from NFP Overlay District Standards. Relief from the NFP Overlay District Standards may be sought from the Zoning Board of Appeals.
- (a) Criteria. Relief from the NFP Overlay District Standards in 50-6.2 may be granted when all the following conditions are met.
- [1] The parcel cannot be reasonably utilized for its zoned use without the requested relief.
 - [2] The extent of relief requested is the minimum needed to permit reasonable utilization of the site.
 - [3] It is demonstrated that the relief ~~requested can be granted without substantial detriment to the public good and~~ will not substantially impair the intent and the purpose of the NFP Overlay District.
 - [4] The requested relief is balanced by the use of conservation and/or green development tools and actions, such as utilizing Stormwater BMPs from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a Natural Feature on the site, or use of Wild-type native plants or desired trees as detailed in Table 6.2-5 Replacement Trees.
- (b) Process. The following process shall be followed when relief is sought from 50.6-2 NFP Overlay District.
- [1] NFP Review Board shall review the request using the NFP Site Plan documentation and make a recommendation on the requested relief to the Zoning Board of Appeals.
 - [2] Application for relief from the Zoning Board of Appeals must include the NFP Review Board's recommendation.

L. Bonding of Projects.

- (1) Intent. To ensure the protection of Natural Features, a financial assurance will be required when seeking site development permits for a lot or structure from the City of Kalamazoo.
- (2) Applicability. During the review and approval of all NFP site ~~plans~~ plans the NFP Review Board will determine whether a bond or lien is required for NFP projects based on:

(a) Whether Natural Features are present on the site such that the cost of replacement or restoration if damaged or destroyed during construction would place an undue burden on the City if not remediated in a reasonable timeframe.

(b) The activities proposed on the site present a reasonable threat of damaging or destroying Natural Features.

(3) Financial Assurance Amount. The amount of the assurance shall be in an amount satisfactory to the City to restore and/or stabilize a Natural Features that has been disturbed, not properly managed during site work or construction, or has been abandoned for more than six (6) months.

(4) Release of Financial Assurance. The assurance shall be released when a Certificate of Occupancy is granted. Except when a project includes a vegetated buffer or required tree planting where the assurance may be reduced by sixty (60) percent at the time of the Certificate of Occupancy is granted with the remaining percentage released no sooner than three (3) years after the granting of the Certificate of Occupancy.

M. *Violation and Penalty*. A violation of the provisions of this Chapter is a municipal civil infraction punishable as follows:

(1) Any person, firm, or corporation violating any provision of this *Article Chapter* is responsible for a municipal civil infraction and shall be fined up to \$2,500 for each violation. A civil infraction citation for a violation of this *Article Chapter* may be issued by the Building Official, or by such person as the City Commission or City Manager may designate.

(2) Each day a violation exists or continues shall be deemed as a separate offense.

(3) Once a violation notice is issued, the responsible party must appear within sixty (60) days before the NFP Review Board, who shall determine whether the proposed remediation of the violation is in alignment with best environmental practices and the standards of this Article.

(4) Any person, firm, or corporation found responsible for a subsequent violation of this Chapter within two years of having been found or admitted responsible for a violation of this Chapter shall be responsible for a civil fine of up to \$5,000.

(5) Imposition of court-imposed costs.

(6) Issuance of an order by the court to replace, mitigate, or restore a Natural Feature damaged or destroyed by a violation.

50-6.3 Planned Unit Development (PUD) Overlay.

A. Intent The Planned Unit Development (PUD) Overlay District is intended to promote the following:

(1) Consistency with the City's Master Plan.

(2) Development that can be conveniently, efficiently and economically served by existing and planned utilities and services.

(3) Design flexibility that results in greater public benefits than could be achieved using conventional district regulations.

(4) Preservation of environmental and historic resources;

(5) A mix of attractive and functional residential and nonresidential developments that are compatible with surrounding development.

B. General Provisions. The development standards of a PUD are detailed in the PUD Plan and PUD agreement that are approved at the time of the Planned Unit Development (PUD) Overlay district designation.

C. Planned Unit Development Overlay District Considerations. A Planned Unit Development Overlay District may be considered when the following criteria are met:

(1) Minimum Land Area. PUDs must meet the following minimum land area requirements:

(a) A PUD proposed to contain only residential and related land uses must be located on a minimum of five (5) contiguous acres or a contiguous city block, if less than five (5) acres.

(b) A PUD proposed to contain commercial uses or a mix of commercial and residential uses does not have a minimum land area to be designated with the PUD Overlay District.

(2) Unified Ownership or Control.

(a) A PUD proposed to contain only residential and related land uses, must have the title to all land that is part of the proposed PUD development containing only residential and related land uses must be owned or controlled by one person at the time of application and approval. A person will be considered to control all lands in the proposed PUD district either through ownership or by written consent of all owners of land,

(b) A PUD proposed to contain commercial uses or a mix of commercial and residential uses does not need to be owned or controlled by one person at the time of application and approval.

(3) Developer's Statement. The developers statement must include the following:

- (a) A comparison of the proposed development with the standards of underlying district and the otherwise applicable standards of this Ordinance with justification for deviation from the underlying or otherwise applicable standards.*
- (b) A statement describing how the proposed development provides greater benefits to the City and adjacent neighborhood(s) than would development following the underlying district regulations.*
- (4) Standards and Procedures. All standards and procedures in Appendix A 8.3C. Planned Unit Development Overlay Zone District can be met with the proposed development.*
- (5) Additional Design Requirements. Building design and site development standards beyond the requirements of the underlying zoning district that the City requires to ensure that the proposed Planned Unit Development is compatible with the adjacent neighborhood, street network, and environment.*
- (6) Demonstrated Benefit. Proposed PUD is determined by the City to result in a greater benefit to the City and adjacent neighborhood(s) than would development following the underlying district regulations.*